

HONORABLE RICHARD A. JONES

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

DIANE L. MITCHELL-BETTINE,

Plaintiff,

v.

CAROLYN W. COLVIN, in her
capacity as Acting Commissioner of
Social Security,

Defendant.

CASE NO. C12-5279RAJ

ORDER

The court GRANTS Plaintiff's motion for attorney fees and expenses (Dkt. # 19), noting that the Commissioner has filed a statement that it does not oppose the relief Plaintiff requests.

The court awards Plaintiff EAJA fees of \$4,036.61 and expenses in the sum of \$24.84. Subject to any offset allowed under the Treasury Offset Program, as discussed in *Astrue v. Ratliff*, 130 S. Ct. 2521, 560 U.S. __ (2010), payment of this award shall be sent to Plaintiff's attorney Eitan Kassel Yanich at his address: Eitan Kassel Yanich, PLLC, 203 Fourth Avenue E., Suite 321, Olympia, WA. 98501.

After the Court issues the order for EAJA fees and expenses, the Commissioner will consider the matter of Plaintiff's assignment of EAJA fees and expenses to Plaintiff's attorney. Pursuant to *Astrue v. Ratliff*, the ability to honor the assignment will depend on whether the EAJA fees and expenses are subject to any offset allowed under

1 the Treasury Offset Program. The Commissioner agrees to contact the Department of
2 Treasury after the order for EAJA fees and expenses is entered to determine whether the
3 EAJA fees and expenses are subject to any offset. If the EAJA fees and expenses are not
4 subject to any offset, the EAJA attorney's fees and expenses will be paid directly to
5 plaintiff's attorney Eitan Kassel Yanich, either by direct deposit or by check payable to
6 him and mailed to his address.

7 Dated this 28th day of May, 2013.

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10 The Honorable Richard A. Jones
11 United States District Court Judge
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